



MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA

Regular Meetings: The  
First, Second, and Third  
Tuesday of each month.  
Location of meeting is  
specified at far right.

Regular Meeting

MEETING LOCATION  
County Courthouse,  
Bridgeport, CA 93517

December 4, 2012

9:03 AM Meeting called to order by Chairwoman Bauer.

*Supervisors present: Bauer, Hansen, Hazard, Hunt and Johnston.  
Supervisors absent: None.*

Pledge of Allegiance led by Supervisor Hazard.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke.*

*Closed Session: 9:04 a.m.*

*Break: 10:25 a.m.*

*Reconvene: 10:32 a.m.*

*Lunch: 11:50 a.m.*

*Reconvene: 1:06 p.m.*

*Adjourn: 3:14 p.m.*

**CLOSED SESSION**

*There was nothing to report out of closed session.*

**BOARD OF SUPERVISORS**

- 1a) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, Brian Muir, and Jim Arkens. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.
- 1b) Conference with Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to

subdivision (b) of Government Code section 54956.9. Number of potential cases: one. Facts and circumstances: dispute regarding Conway Ranch grant compliance.

## **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke.*

### **2) APPROVAL OF MINUTES**

**M12-255** **Action:** Approve minutes of the Regular Meeting held on November 6, 2012, as corrected.

**Hunt moved; Hansen seconded**

**Vote: 5 yes; 0 no**

**Supervisor Bauer:**

- On 11/6/12 draft minutes, page 4, item 5a (Bridgeport RPAC Appointment) under her comment, should read: "should not alter your citizenship in your *community*", not county.

**M12-256** **Action:** Approve minutes of the Regular Meeting held on November 13, 2012.

**Hansen moved; Hazard seconded**

**Vote: 5 yes; 0 no**

### **3) BOARD MEMBER REPORTS**

**Supervisor Bauer:**

- Final YARTS meeting with Supervisor Hansen, they both got clocks. She thinks roads will be in great shape for the next few years.
- Walker River Negotiation meeting in Tahoe with Stacey Simon. Were able to clarify where Mono County stood.
- ESTA meeting: everything going well with transition to bringing Mammoth Mountain transit services under ESTA.

**Supervisor Hansen:**

- 11/27 – Tourism Commission meeting in Walker. He asked them to come before Board with an update.
- Last Saturday – went to Camp Antelope for a drug/alcohol awareness thing and a Christmas party.
- Yesterday: Fisheries Commission meeting. They will need an additional board member to represent them come January.
- He's going to Red Cross class all day tomorrow.

**Supervisor Hazard:**

- 11/21 – attend Town/County Liaison meeting.
- 11/26 – to CSAC for the week in Long Beach. There were some great presentations. Met with RCRC as well.
- SRA fee update: our citizens have received their bills and they are due; back in August, Senator backed off having this issue repealed. We had a chance to resolve this but we were thrown under the bus by our representative so we have lost.

**Supervisor Hunt:**

- 11/21 – attended the Town/County Liaison meeting in Mammoth (solid waste discussion).
- Attended drug/alcohol advisory meeting; there were 8 members there; a lot of good things going on there.
- 11/29 – Special Commission/First Five meeting; discussed filling director's position.

**Supervisor Johnston:**

- Attended CSAC conference last week.
- 11/26 – Monday, while in Long Beach, attended the Innovation Summit.

- Had opportunity to meet with new supervisors at conference.
- Coming out of this conference, thinking we should have a workshop summit of our own in January/February so that new Supervisors can help lay out their goals, etc. Realizes this type of summit would need to be publicly noticed.

## COUNTY ADMINISTRATIVE OFFICE

- 4) CAO Report regarding Board Assignments (Jim Arkens)  
ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.  
**Jim Arkens:**
- At CSAC conference last week in Long Beach.
  - Continued status meetings.
  - Met with Supervisor Elect Fred Stump yesterday.

## DEPARTMENT REPORTS/EMERGING ISSUES

### Jeff Walters:

- They were prepared and had proper staff for anticipated storms last week.
- No major slides reported; not aware of major flooding in Nevada.

### Burns:

- Letter given to him by Tim Hansen from Bill Dunkelberger, Humboldt-Toiyabe National Forest regarding invitation for Mono County to become a Cooperating Agency via a future MOU.
- Looks similar to MOU signed in October.
- Requesting new MOU. Their intent is to ask Board to sign.
- Hansen: would like to see County in the highest level of cooperation as possible.

### Sheriff Scholl:

- Still having issues with roof leaking but nothing significant.
- Sewage line out of kitchen had to be replaced and repaired; that has been taken care of.
- In discussion with MLPD as it relates to their critical staffing shortages. There are no solutions; only ongoing discussions.
- Deputy Peek leaving for Bishop PD. Interviews set up to replace him, only 7 applicants.
- New deputy sworn in yesterday.

## CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

## COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 5a) Antelope Valley RPAC Appointment - Consider appointment of Victoria Victor to the Antelope Valley Regional Planning Advisory Committee (AVRPAC), as recommended by Supervisor Hansen and AVRPAC.
- M12-257** **Action:** Appoint Victoria Victor to the Antelope Valley Regional Planning Advisory Committee.  
**Johnston moved; Hansen seconded**  
**Vote: 5 yes; 0 no**

## COUNTY COUNSEL

- 6a) Approve Mammoth Community Water District's Amended Conflict of Interest Code - The Political Reform Act, Gov. Code sections 81000, et seq. requires public agencies to conduct a biennial review and update of their conflict of interest codes. As such, the Mammoth Community Water District has amended its Conflict of Interest Code by Ordinance No. 10-18-12-12 and seeks approval

of its new Conflict of Interest Code by the Mono County Board of Supervisors, its code-reviewing body.

**M12-258**      **Action:** Approve the Mammoth Community Water District's Conflict of Interest Code, as amended by Mammoth Community Water District Ordinance No. 10-18-12-12.

**Johnston moved; Hansen seconded**

**Vote: 5 yes; 0 no**

#### ELECTIONS

7a)      Certification of November 6, 2012, General Election - Certification of County Clerk-Registrar of Voters of the results of the canvass of the November 6, 2012, General Election.

**M12-259**      **Action:** Receive and approve as correct the Statement of Votes for the November 6, 2012, General Election, and declare elected to each office voted on under the jurisdiction of the Board of Supervisors, the person having the requisite number of votes.

**Johnston moved; Hansen seconded**

**Vote: 5 yes; 0 no**

**Supervisor Johnston:**

- Thanked Clerk's office and commented on awesome voter turnout.

7b)      Mono County Resource Conservation District - Reappointments to the Mono County Resource Conservation District.

**M12-260**      **Action:** Reappoint Jim Reid and Hal Curti to the board of the Mono County Resource Conservation District.

**Johnston moved; Hansen seconded**

**Vote: 5 yes; 0 no**

#### REGULAR AGENDA

##### CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

##### CLERK OF THE BOARD

8a)      No Correspondence Received -  
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##### SHERIFF CORONER

9a)      Appointment to Fill the Unexpired Term of Sheriff-Coroner Richard Scholl (Sheriff Richard C. Scholl) - Sheriff Richard C. Scholl has decided to retire from his elected position as Sheriff-Coroner of Mono County effective December 20, 2012. The unexpired term continues until December 2014. It is imperative that the County have a person in place as the Sheriff-Coroner to perform all mandated functions and responsibilities as required in the Government Code.

**Action:** None.

**Sheriff Scholl:**

- He highly recommends that the Board select Ralph Obenberger to be appointed to Sheriff.
- Discussed Obenberger's qualifications.

**Supervisor Hansen:**

- What about Undersheriff position?

**Undersheriff Obenberger:**

- Addressed the board detailing his career and qualifications.
- Has full support of staff at the Sheriff's Department.
- He'd like Lt. Weber to move to Undersheriff; that would leave a Lieutenant position which he'd open up to county first. This will create positions down the line.
- He sees three main challenges ahead: realignment, coverage issues; MLPD issues.

**Supervisor Johnston:**

- What are greatest challenges ahead?

**Supervisor Hazard:**

- He received a request from a constituent about looking outside the department to hire Sheriff. He can't support this as it creates too much turmoil within and doesn't think it's in the county's best interest.
- He supports appointment of Undersheriff Obenberger.

**Supervisor Hunt:**

- Potential savings in restructuring the Sheriff's management team?
- He has also had constituents ask why not look outside organization for Sheriff? He also thinks that it makes sense to promote from within. He's personally supportive of the appointment of Obenberger.

**Supervisor Bauer:**

- She is fully supportive of the appointment of Undersheriff Obenberger to Sheriff.
- Cautioned that he seek counsel on issues ahead.

## COUNTY COUNSEL

10a) Ordinance re Public Use of Conway Ranch (Marshall Rudolph) - Proposed ordinance amending sections 13.40.010 and 13.40.020 of the Mono County Code, pertaining to public use of Conway Ranch.

**M12-261 Action:** Introduce, read title, and waive further reading of proposed ordinance amending sections 13.40.010 and 13.40.020 of the Mono County Code, pertaining to public use of Conway Ranch.

**Hansen moved; Hazard seconded**

**Vote: 4 yes; 1 no: Johnston**

**Marshall Rudolph:**

- This would amend existing code pertaining to public use of Conway Ranch.
- In reference to shooting and hunting restriction on the property: original ordinance was to restrict shooting on entire property; RPACS recommendation was to reduce restriction to just fishery area only and to prohibit it in a 150 yard buffer zone around that area.
- A significant amount of time has passed to get to this amendment due to some technical points. There was a need for revised legal descriptions, etc.
- This is what the RPAC wanted; not necessarily the Fisheries Commission.
- You can use any firearm outside the buffer zone.

**Supervisor Hansen:**

- Apologized for not interpreting original arguments correctly; thanked Marshall for all his work.
- A lot of inadequacies have been addressed and this is back to where it should have been long ago.

- The amendment follows state laws as far as distance of shooting.

**Supervisor Johnston:**

- No problem with hunting; he thinks the area should be shotgun only since the fishery and houses are nearby. Doesn't agree with target practice up there.
- Camping or nighttime use should be prohibited; believes it just leads to problems. Believes these types of problems do exist in Mono County.
- Snowmobiles on property are problematic due to fencing; could be liability to county.

**Supervisor Bauer:**

- There has been a lot of discussion at RPACs.
- Didn't make sense to put special restrictions on this property; needs to be consistent throughout.
- If any of Supervisor's concerns were a real problem in Mono County, we'd know about it.

**Supervisor Hazard:**

- He's ready to either make a motion or second a motion to Supervisor Hansen to approve this.

**Supervisor Hunt:**

- This has gone through the RPAC buffer; he's ready to support it.
- If problems ever arise, this board or future boards will commit to address it.

**Public Comment:**

**Rick Knolls:**

- Participant in Conway Ranch issues for many years.
- Thanked Supervisor Hansen and Marshall Rudolph.
- Doesn't understand the type of gun reference – can you hunt with any type of gun?

**Tim Banta:**

- He is a long time Lee Vining resident.
- He is in support of this amendment as written.

**Bonnie Knolls:**

- Part of five generations of living in Mono Basin.
- She's in support of amendments being made.
- She appreciates everyone listening to all public comments and for the efforts of Marshall and Supervisors Hansen and Bauer.

## INFORMATION TECHNOLOGY

**Additional Departments:** County Counsel

11a)

Amendment to California Broadband Cooperative License Agreement (Nate Greenberg and Marshall Rudolph) - Proposed resolution approving a first amendment to the license agreement with California Broadband Cooperative, Inc. for use of County land for node sites, community service cabinets, and anchor sites, and for use of County rights of way for underground fiber optic transmission lines.

**R12-84**

**Action:** Adopt proposed Resolution R12-84, approving a first amendment to the license agreement with California Broadband Cooperative, Inc. for use of County land for node sites, community service cabinets, and anchor sites, and for use of County rights of way for underground fiber optic transmission lines.

**Hazard moved; Hunt seconded**

**Vote: 5 yes; 0 no**

**Marshall Rudolph:**

- Anticipated follow up on agreement; this is an amendment.
- Same statutes that applied before to make amendments still apply.
- A resolution seemed to make the most sense.

- These are non-exclusive licenses.

**Nate Greenberg:**

- Most technical aspects are relatively straightforward.
- This is all part of original agreement; same responsibility for parties.

**Supervisor Johnston:**

- These lines T-off of digital 395 line?
- Who pays for placement of connections, etc?

**Supervisor Hansen:**

- Is this competition for free enterprise?

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**LUNCH**

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**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Public Comment (no name):**

- Triple Flip/ERAF – does it apply to Mammoth Lakes?
- Brian: no, doesn't make any adjustments.

**COMMUNITY DEVELOPMENT - PLANNING DIVISION**

**Additional Departments:** County Counsel, Public Works

- 12a) Public Hearing - White Mountain Estates Specific Plan Amendment and Modification to Tentative Tract Map 37-46 (Gerry Le Francois) - White Mountain Estates Specific Plan Amendment and Tentative Tract Map Modification to eliminate speed hump on White Mountain Estates Road; eliminate per lot recreation fees; and eliminate housing mitigation requirements.

- R12-85** **Action:** Adopt proposed resolution #R12-85, which includes the following actions: A) Adoption of the attached addendum to the Final EIR for the White Mountain Estates Specific Plan; B) Approval of an amendment to the White Mountain Estates Specific Plan, Policy 2B, Program 2B (housing mitigation); Program 5-D (tabletop speed hump); and Policy 17A and Program 17A (per lot recreation fee); and C) Approve modification to Tentative Tract Map 37-46 Mitigation Monitoring and Conditions #2, and #31 with supporting findings.

**Hazard moved; Hunt seconded**

**Vote: 5 yes; 0 no**

**Gerry LeFrancois:**

- Outlined item before the Board.
- Walked Board through a couple of slides detailing history of item.
- Discussed the proposed resolution's actions.

**Supervisor Johnston:**

- Asked about dollar amount.
- Asked about other housing unit and requirements.
- What is staff's recommendation?
- How are recreation fees determined? Part of Development Impact Fee?
- Were recreation fees required at other projects?
- What's build out rate?
- He's going to be very careful whenever a developer comes before us and asks for something.
- Housing issue is somewhat worse than when we initiated this. He's satisfied that what is being provided is in the range of what we were requiring.

**Supervisor Hazard:**

- Project has taken so long that it's created its own set of issues.

- Discussed opinions.
- Clarification on earthquake studies and the cattle guard which should have been a Caltrans project.

**Supervisor Bauer:**

- When we did this we were trying to entice developers to come in and work. Any way we can get people working is most important.
- She supports recommendation.

**Supervisor Hunt:**

- Consistency of policy is extremely important.

**Scott Burns:**

- New housing element in place now.
- Our recommendation is reflected in the Planning Commission's recommendation. Need consistency and level playing field.
- No recreation fees required at other projects.

**Steve Kappos:**

- Discussion regarding speed hump and recreation fees.
- On housing – this is guide to affordable housing. It's manufactured housing.

**Public Hearing Open: 1:37 p.m.**

**Bob Stark:**

- He has 8 parcels available for second homes if necessary.
- Can't get financing for single wide manufactured homes.
- Explained fees.
- Has put about \$80,000 into the road.

**Public Hearing Closed: 1:45 p.m.**

**PUBLIC WORKS - ROAD DIVISION**

- 13a) Auchoberry Pit (Jeff Walters) - The steep slopes of the Auchoberry Pit were graded in 2009-10 to reduce potential safety related concerns. The slopes have seen some natural vegetation take root since the grading was completed but additional revegetation may be necessary to minimize erosion and improve the appearance of the former pit.

**M12-262 Action:** Move the remaining \$8,567 left in the CIP account into the General Fund account.

**Hazard moved; Hunt seconded**

**Vote: 4 yes; 1 no: Johnston**

**Jeff Walters:**

- Explained item.
- What should we do between now and the future in regards to Auchoberry Pit? CDBG Grant – Proposed road shop for Walker – just a conceptual idea.
- Budget set aside many years ago: roughly \$80,000 for revegetation and reclaiming of the pit. There is approximately \$8,500 remaining.
- Would need a reclamation plan in the future if the county decided to use the materials.
- This is a management issue.
- Asked about test pits.

**Supervisor Johnston:**

- Looks like its eroding like crazy. We need to do something as we have done with other eroding pits.
- Is there something that could be placed on it that would show we are doing something? For \$8,000?



- It's not good PR to not fix this.
- How much to do what Supervisor Hazard said?
- We ask developers to fix erosion problems. We've got a major problem, we should do something.

**Supervisor Hansen:**

- This has been a sore subject for lots of people since the beginning.
- He doesn't think it looks that bad; should be a valuable option for material in case it's needed.
- He thinks county should keep their options open, not spend a lot of money now.

**Supervisor Hunt:**

- Why would we put more money into that piece of property at this time?
- He doesn't see us putting a lot of effort into revegetating this.
- We need a plan to find a way to use this.

**Supervisor Bauer:**

- We bought this property for materials. If we revegetate it, we will never use the materials.
- Hold onto \$8,000 for stabilization purposes. Doesn't want this money spent on testing.

**Supervisor Hazard:**

- If we need to grade it, that's ok. Minimal expense. A bulldozer?

**Public Comments:**

**Tim Fesko:**

- Referred Board to p. 318 of packet; he doesn't believe it's eroding further than it has.
- We need to use common sense in regards to this project. All projects are subject to erosion.
- In five years, very little has grown but additional growth will occur.
- We should sit back, live with it and use it for future purposes. We can make money selling the dirt out of there.

**Brian Muir:**

- The balance of that money needs to be moved from CIP fund account back in the General Fund.

13b)

Motor Pool - Potential Extension of Useful Mileages (Jeff Walters) - Mono County's Motor Pool vehicles have a predetermined useful mileage for each type of vehicle. Potentially extending the useful mileage may reduce overall costs associated with purchasing replacement vehicles.

**Action: None.**

**Jeff Walters:**

- Discussed staff report.
- There are pros and cons to extending the useful mileage.
- His recommendation feels that the mileage numbers being used generally work. There are exceptions, but for the most part it's working.
- Evaluated on a case by case basis.
- Explained how mileage was originally calculated when the motor pool was put into affect.

**Supervisor Hazard:**

- Everything appropriate except the paramedic units. You have 80,000 miles listed; this could be extended up to 100,000 miles most likely.

**Supervisor Bauer:**

- Asked what Jeff's recommendation was.
- Basically are these guidelines?
- Decision to buy new cars will be coming back to the Board, correct?

**Supervisor Johnston:**

- His problem wasn't so much about adjusting the mileage targets as not replacing them *before* they are due to be replaced.

- He doesn't believe we should be buying new cars in a recession when they haven't received their useful mileage.

**Supervisor Hansen:**

- This came up because some vehicles that were requested to be replaced were under mileage and some were over.
- Would rather mileage go slightly over.
- It appears as if the Department is doing a good job and they're not wasting money.

**Supervisor Hunt:**

- You have to look at vehicles individually.
- He'd like to see mileage stretched as far as possible.

13c)

Paradise Split Rail Fence (Jeff Walters) - Through the Mono County Public Works encroachment permit process a split rail fence was installed in the County's Right-of-Way on Lower Rock Creek Road. The Board of Supervisors requested Public Works provide potential options which may resolve some of the issues brought up by residents at a previous Board meeting in Paradise.

**Action:** None.

**Supervisor Johnston:** His family has a lot; potential conflict of interest. Recused himself and left the meeting room prior to the discussion.

**Supervisor Hazard:**

- The Board is being asked to make decisions before community input.
- He's asking that this goes back to RPAC for discussion prior to Board discussion and action.
- He supports community he represents; they need to weigh in on options.
- He thought we'd do in a timely manner.
- Now hearing that this should be included in a planning process.
- This needs to be resolved.
- Can't we reevaluate this and reclaim our right of way?
- Clarified that there needed to be researched options brought to the public, not to let them decide the entire future of this project.

**Supervisor Hunt:**

- Would like information but agrees with Supervisor Hazard.
- He feels the community needs to weigh in; he'd like to hear from the majority.

**Supervisor Hansen:**

- Apologized for delay.
- He thinks community has weighed in.
- In regard to snow, a fence is the last thing you need.
- Right of way question? Goes into yard in front of Paradise Lodge?
- We either need funding or options.

**Supervisor Bauer:**

- Appears as if consensus is that we will not actually make any decisions today.
- Garrett should do his STIP update after January 1<sup>st</sup> and a special meeting in Paradise should be scheduled after the holidays.

**Jeff Walters:**

- Agrees with this being more about gathering/sharing information at this time.
- Options: leave single split rail fence as-is or remove split rail fence and install removable parts or allow split rail fence to be removable and paint white marking to delineate trailhead; remove fence each year and reinstall or remove fence entirely and have painted lines only.
- Asked for clarification on when to meet in Paradise?

**Gerry LeFrancois:**

- Two different things going on – in April, went with the restroom option. Other issue is the encroachment issue.

- Pedestrian option and then other facilities that would tie into that. Chance of using transportation funds for this is limited.

**Garrett Higerd:**

- In two weeks he will be coming to the board with update on STIP projects.
- Looking for ways to fund a pedestrian project.

**Marshall Rudolph:**

- There isn't anything in code regarding termination of encroachment permit.
- Seems reasonable to reclaim right of way.
- May need additional research.

**Public Comment:**

**John Hooper:**

- Hasn't heard why the fence went up.
- Gave history. This all had to do with parking, not snow removal or people.
- If people end up parking here, it becomes very dangerous.
- There are solutions to this problem.
- Traffic engineers must be consulted, not just the public.

**Liz O'Sullivan:**

- Mr. Hooper makes an impressive argument for public safety; she feels there is more of an issue now than before the fence. There have been numerous instances of people being in the roadway in the way of vehicles.
- Parking is still an issue on that roadway.
- Mr. Hooper donated Lot A as parking but Mr. Hooper has been parking his equipment there.
- She feels that her community has a vested interest in the planning.
- Public Works has indicated the fences are in the way.
- There's obviously a conflict of interest here.
- She asks that any decision be deferred and that the Board come back after the first of the year to her community.
- Thanked outgoing supervisors.

**Mike O'Sullivan:**

- Also thanked outgoing supervisors.
- After April meeting, Public Works was directed to look at safety issues.
- He is unhappy with the time that has gone by and the items that ended up on the agenda which he feels ignore a lot of the safety issues.
- Community is only asking for the same consideration that other communities have gotten for other issues.
- Requests that Public Works be directed to return to Paradise for another meeting to address safety concerns.

ADJOURNMENT 3:14 p.m.

ATTEST:

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VIKKI BAUER  
CHAIR

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SHANNON KENDALL  
SR. DEPUTY CLERK OF THE BOARD

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